

Local Rules for
Kittitas County Superior Court

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FOR KITTITAS COUNTY

RE: LOCAL RULES OF THE SUPERIOR COURT OF WASHINGTON
FOR KITTITAS COUNTY

FIRST AMENDED
ORDER REPEALING FORMER RULES
AND ADOPTING NEW RULES

Pursuant to CR 83(a), this court hereby repeals the local rules of the Superior Court of Washington for Kittitas County heretofore adopted and hereby adopts new Local Rules of the Superior Court of Washington for Kittitas County as set forth below.

GLR 1
APPLICABILITY IN GENERAL.

- (a) Authority. These rules are made pursuant to CR 83.
- (b) Suspension of Rules. The court may modify or suspend any of these Rules, in any given case, upon good cause being shown therefore or upon the court's own motion.

GLR 2
SUPERIOR COURT RULE MAKING PROCEDURE

- (a) Initiation of Rules Changes. All suggestions for rules changes shall be sent to the members of the Kittitas County Bar Association and to other interested parties as determined by the presiding judge.
- (b) Consideration of Proposed Rules Changes. All suggested rules changes shall be considered by the judges of the Superior Court of Kittitas County in consultation with the Kittitas County Bar Association. If a proposed rule or rule change is approved, it will be published for comment as follows:
- (1) By posting the proposed rule(s) on the bulletin board of the Office of the Clerk of the Court and of the Court Administrator's office.
 - (2) By transmitting the proposed rule(s) to the Kittitas County Bar Association, which shall publish the same to its members.
- (c) Consideration of Comments. All comments on proposed rules should be directed to the presiding judge. The court shall consider all comments, criticisms, objections and suggestions submitted within 30 days of the date for publishing for comment.
- (d) Final Adoption, Publication, and Effective Date. After

the comment period, the court shall publish the rule changes as finally approved.

(e) Limitation of Amendments; Exceptions. The court shall make rule changes only in accordance with this rule, except in cases of emergency or other circumstances justifying immediate changes.

GLR 3
SESSIONS/COURT HOURS

There shall be one continuous session of court from January 1 through December 31 of each year. Court will be in session, unless otherwise ordered, on all judicial days, except Saturday. Court hours will be from 9:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m.

GLR 4
HEARING DAYS

Hearing times and days as well as Department assignments are subject to change to accommodate holidays, availability of judges and courtrooms, judicial conflicts and calendar size, but shall generally be as follows:

(a) Civil Matters. Probate, guardianship and civil motions will be heard on Mondays beginning at 9:30 a.m.

(b) Criminal Matters. Arraignments, omnibus hearings, sentencing pursuant to guilty pleas, probation violations, bail hearings, and preliminary appearances will be heard on Mondays at 1:30 p.m. Pre-Trial Hearings pursuant to CrR 3.5 and 3.6 will be heard on Fridays at 9:30 a.m. Status Conferences will be heard on Fridays at 9:00 a.m. Criminal trials will be held Tuesday through Friday and will be set by the court at the time of arraignment.

(c) Ex Parte Matters. Ex parte matters shall be heard Monday through Friday at 9:00 a.m. and 1:00 p.m.

(d) Domestic Relation Matters.

(1) Settlement Conferences. Settlement conferences will be heard on Friday at 1:30 p.m.

(2) Show Cause and Temporary Relief. Show cause hearings and motions for temporary relief including URESA contempt hearings will be heard on Mondays beginning at 9:30 a.m.

(3) Uncontested Dissolutions. Uncontested dissolutions in which one or both parties are represented by counsel will be heard at 9:30 a.m. on Mondays. Uncontested dissolutions in which both

parties are not represented by counsel will be heard on Mondays at 1:30 p.m. Regardless of representation, jurisdictional testimony may be submitted by affidavit.

(e) Protection Orders. Domestic Violence and Protection Orders not otherwise filed under a related case between the parties shall be heard on Mondays at 1:30 p.m.

(f) Adoptions. Any adoptions requiring notice, including pro se adoptions, will be heard on Monday at 9:00 a.m.

(g) Civil Trial Settings. Trial setting dockets shall be every Monday at 9:00 a.m. (See also LCR 6.)

(h) Juvenile Matters.

(1) Offenders. Arraignments, pleas, dispositions and probation violations will be heard on Mondays at 11:00 a.m. Offender trials will be heard Tuesday through Friday and scheduled by the Court at the time of arraignment.

(2) Dependencies. Stipulated fact-finding hearings and review hearings will be heard on Mondays at 2:30 p.m. Contested fact-finding hearings and shelter care hearings will be heard Tuesday through Friday and scheduled by the Court Administrator.

(3) Truancy/At Risk Youth. Adequate cause, show cause, and review hearings will be heard on Wednesdays and Thursdays beginning at 3:00 p.m. and shall be scheduled by the Court Administrator.

(i) Appeals. Appeals of decisions from lower courts and administrative hearings shall be heard on Mondays at 11:00 a.m.

GLR 5
INDIGENT DEFENSE

By this rule the Kittitas County Superior Court hereby adopts standards for the delivery of public defender services consistent with RCW 10.101.030 and the Washington Defender Association Standards for Public Defense Services. Kittitas County is rural in nature, has two sitting Superior Court judges, and appoints attorneys from a list of qualified, interested, and dedicated attorneys. Therefore, the standards set forth in this rule have been tailored to the assigned counsel model for delivery of public defender services.

(a) Selection of Attorneys. Attorneys appointed for indigent defense shall be selected solely by the court.

(b) Standards for Representation.

(1) Duties and Responsibilities of Counsel. Defense services shall be provided to all clients in a professional, skilled manner consistent with minimum

standards set forth by the American Bar Association, applicable state bar association standards, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. Counsel's primary and most fundamental responsibility is to promote and protect the best interests of the client.

(2) Case Load Limits and Types of Cases. The caseload of court appointed attorneys should allow each lawyer to give each client the time and effort necessary to ensure effective representation. Assigned counsel should not accept a workload that, by reason of its excessive size, interferes with the rendering of quality representation.

(3) Costs of Investigative and Expert or Other Services. Reasonable compensation for investigative, expert, or other services necessary to preparation and presentation of the defense case shall be provided upon motion pursuant to CrR 3.1(f). Fees for investigative, expert, or other services should be maintained and allocated from funds separate from those provided for defender services. The defense should be free to retain said services of its choosing.

(4) Reports of Attorney Activity and Vouchers. The court appointed attorney shall maintain a case-reporting and management information system which includes number and type of cases, attorney hours and disposition. An annual report shall be filed with the presiding judge summarizing the number and type of cases, the attorney hours, and dispositions. Such system shall be maintained independently from client files so as to disclose no privileged information. A standardized voucher form provided by the court shall be used by court appointed attorneys seeking payment upon completion of a case.

(5) Training. Attorneys providing public defense services should participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. Attorneys in dependency practices should attend training programs in these areas. Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and tapes.

(6) Substitution of Attorneys or Assignment of Contracts. The court appointed attorney should not sub-contract with another firm or attorney to provide representation and should remain directly involved in the provision of representation.

(7) Qualifications of Attorneys. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, court appointed attorneys should meet the following minimum professional qualifications: (1) Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and (2) Complete seven

hours of continuing legal education within each calendar year in courses relating to their public defense practice.

(A) Death Penalty Representation. Each attorney acting as lead counsel in a death penalty case shall meet the following requirements:

- (i) The minimum requirements set forth in Section (b) (1); and
- (ii) at least five years criminal trial experience; and
- (iii) have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and
- (iv) have served as lead or co-counsel in at least one jury trial in which the death penalty was sought; and
- (v) have completed at least one death penalty defense seminar within the previous two years.

(B) Adult Felony Cases - Class A. Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:

- (i) Minimum requirements set forth in Section (b) (1), and
- (ii) Either:
 - a. has served two years as a prosecutor; or
 - b. has served two years as a public defender; or
 - c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in five felony cases that have been submitted to a jury.

(C) Adult Felony Cases - Class B Violent Offense or Sexual Offense. Each attorney representing a defendant accused of a Class B violent offense or sexual offense as defined in RCW 9A.20.020 shall meet the following requirements:

- (i) Minimum requirements set forth in Section (b) (1), and
- (ii) Either:
 - a. has served one year as prosecutor; or
 - b. has served one year as public defender; and
 - c. has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.

(D) Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a defendant accused of a Class B felony not defined in (c) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:

(i) Minimum requirements set forth in Section (b)(1), and

(ii) Either:

a. Has served one year as a prosecutor; or

b. Has served one year as a public defender; or

c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and

(iii) Each attorney shall be accompanied at his or her first felony trial by a supervisor.

(E) Juvenile Cases - Class A - Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:

(i) Minimum requirements set forth in Section (b)(1), and

(ii) Either:

a. has served one year as a prosecutor; or

b. has served one year as a public defender; or

c. has been trial counsel alone of record in five juvenile Class B and C felony trials; and

(iii) Each attorney shall be accompanied at his or her first juvenile trial by a supervisor.

(F) Juvenile Cases - Classes B and C. Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:

(i) Minimum requirements set forth in Section (b)(1); and

(ii) Either:

a. has served one year as a prosecutor; or

b. has served one year as a public defender; or

c. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and

(iii) Each attorney shall be accompanied at his or her first juvenile trial by a supervisor

(G) Misdemeanor Cases. Each attorney representing a defendant involved in a matter concerning a gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section (b)(1).

(H) Dependency Cases. Each attorney representing a client in a dependency matter shall meet the following requirements:

(i) The minimum requirements as outlined in Section (b)(1); and

- (ii) Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.

(8) Disposition of Client Complaints. Client complaints should first be directed to the attorney who provided representation. If the client feels that he or she has not received an adequate response, the court shall review the complaint to evaluate the legitimacy of complaints and to follow up meritorious ones. The attorney and the court shall make every effort to reply to the complaint or advise the client as to the status of his or her complaint within one week of receipt of the complaint by the attorney or court.

(9) Cause for Removal of Attorney. Termination of an attorney's assignment should only be for cause. Good cause shall include the failure of the attorney to render adequate representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of the standards herein addressed. The representation in an individual case establishes an inviolable attorney-client relationship. Removal of counsel from representation therefore normally should not occur over the objection of the attorney and the client.

(10) Non-Discrimination. Neither the court, in its selection of an attorney to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, sex, sexual orientation or handicap. Both the court and the attorney shall comply with all federal, state, and local non-discrimination requirements.

GLR 6
COURT REPORTERS

Pursuant to RCW 2.32.180, an official court reporter has been appointed by the Kittitas County Superior Court and now serves both judicial departments. Criminal and/or civil proceedings may from time to time be recorded electronically pursuant to CR 80. The official court reporter shall be made available for all criminal trials and dependency fact finding and termination hearings. A party requesting the services of the official court reporter for a civil trial pursuant to RCW 2.32.200 shall make such request in writing at the time the matter is certified as being ready for trial pursuant to LCR 1(c).

LCR 1
CIVIL CASE MANAGEMENT AND SETTINGS

(a) Time Standards. The court, in order to increase the rate of civil and domestic dispositions and insure trial preparation, adopts the following time standards:

(1) General Civil. 90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months; and the remainder within 24 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.

(2) Domestic Relations. 90% of all domestic relations matters should be settled, tried, or otherwise concluded within 6 months of the date of case filing; and 100% within 12 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.

(b) Case Management.

(1) Pretrial Conference. By order, or on the motion of any party after hearing on said motion, the court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:

- (A) The simplification of the issues;
- (B) The necessity or desirability of amendments to the pleadings;
- (C) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (D) The limitation of the number of expert witnesses;
- (E) Such other matters as may aid in the disposition of the action.

(2) Settlement Conference. Settlement conferences may be scheduled by the parties upon motion to the court or on the court's own motion where it is determined that a settlement conference is necessary. The time for the settlement conference will be set by the Court Administrator. All parties, attorneys and other necessary representatives (insurance adjusters, managers, etc.) shall attend the settlement conference. The conference must be confirmed by each party before 12:00 p.m. the prior day to the scheduled conference with the Court Administrator. The parties may not strike or reschedule a conference ordered by the court without an order from the court.

(c) Trial Setting. Civil cases may be noted for trial setting after the issues are joined. Criminal cases will be assigned a trial date at the time of arraignment.

(1) Note for Trial Setting and Proposed/Agreed Scheduling Order. Anyone desiring to bring any civil issue to trial shall note the matter on the trial

setting calendar (See GLR 4(g)) using Exhibit A. Prior to the date of the trial setting calendar, each party shall submit a proposed scheduling order using Exhibit D. Each party shall set forth therein an estimate the length of the time needed for the entire trial. Cases will not be permitted to continue beyond the time estimated for trial. If the parties are in agreement as to the proposed schedule, an agreed order may be submitted and shall be so designated and bear the signatures of both parties thereon.

(2) Presence of Counsel. All trial dates will be assigned by the Court Administrator. If a party has provided the Court Administrator with a proposed scheduling order and available and unavailable dates as required above and are otherwise agreeable to a setting on any particular date, that party's presence at the trial setting may be waived.

(3) Continuances. Continuances of trial may not be granted by the court except for good cause shown after hearing on the motion filed by the party seeking the continuance, or by motion of the court. In the event good cause is shown and the court grants a motion for continuance, the case will be rescheduled by the Court Administrator and given the priority of a new case (in other words, the case loses any priority it had). If the court strikes the trial date on its own motion due to calendar congestion, the case shall receive a priority trial setting.

(d) Special Settings. Any civil motions or other matters requiring a special setting will be set by the Court Administrator.

(e) Summary Judgments. Summary judgments are matters that require special settings. Summary judgments should be noted to be heard before the judge who is assigned to hear the trial. Motions and affidavits, and reply and response affidavits, must be filed in the manner and within the time limitations of CR 56. On any motion for summary judgment, counsel for movant is required to call the Court Administrator two business days prior to the date set for hearing to confirm that the motion will be heard.

LCR 2
FILING OF DISCOVERY

(a) Filing. Only a copy of the title page of the following documents shall be filed: interrogatories and responses thereto, requests for production or inspection and responses thereto, requests for admission and responses thereto, and other discovery requests and responses thereto. The body of such documents shall not be filed with the Court or the Clerk of the Court without prior court approval unless filed in support of or in response to a motion for summary judgment, motion to compel discovery, or other motion to which said documents are relevant. Except where filing is

authorized, the originals of such documents, together with the answers or responses to interrogatories, requests for production or inspection, and requests for admissions shall be maintained by the party or attorney who issues the interrogatories, requests for production or inspection, requests for admissions, or other discovery requests.

(b) Objections to Discovery Responses. Any party objecting to an answer or a response to an interrogatory, requests for production or inspection, or requests for admission shall set forth in the objection each request or response objected to, the interrogatory or requests to which it relates and the reasons for the objections.

LCR 3
BRIEFS AND SUPPORTING DOCUMENTS

At the time a brief, Memorandum of Authority, and/or other document in support of a motion is filed with the clerk, working copies of the pleading shall be provided to the judicial department hearing the matter with a notation thereon setting forth the trial or hearing date. E-mail or faxed copies will not be accepted or forwarded to the judge unless otherwise expressly authorized.

LCR 4
CHANGE OF JUDGE; AFFIDAVIT OF PREJUDICE

Cases shall be assigned to a judicial department under the direction of the presiding judge for the county. In all cases, parties shall be notified of the assignment upon the issuance of the Scheduling Order. That assignment shall serve as a pre-assignment/assignment for purposes of a change of judge pursuant to CrR 8.9, CR 40, and RALJ 3.2(c). Written guidelines for assignment will be maintained by the Court Administrator, filed with the Clerk, and forwarded to the president of the local bar.

LCR 5
NOTICE TO COURT OF CALENDAR AND JURY TRIAL CHANGES

Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice shall immediately be given to the Court Administrator.

LCR 6
HEARINGS

(a) Filing and Noting Motion for Hearing. A note for motion substantially in the form found in Exhibit B shall be filed with the clerk at the time the motion is filed and served on the parties in accordance with CR 6(d). To assure that timely and complete delivery of the court file to the court, notes for motion calendars should be filed in the Clerk's office by noon on the Thursday preceding the Monday calendar on which hearing is requested and should be.

(b) Failure of Party to Appear. If no one appears in opposition to a duly noted motion, the court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.

(c) Continuances of Motions. Counsel, by agreement, may continue any motion by executing a stipulation of continuance or by orally stipulating on the record in court to a continuance. Continuances shall not be granted by telephone. Upon agreement of counsel to continue or strike a hearing, counsel for the moving party shall advise the court of the agreement to continue or strike the hearing at the time of the agreement and no later than one day prior to the hearing.

(d) Time Allowed for Argument. Each side shall be limited to 10 minutes unless granted leave by the court. Parties anticipating argument that will require longer than 20 minutes total time shall obtain a special hearing date and time from the Court Administrator.

(e) Hearing of Ex Parte Matters.

(1) Scope. This rule applies to all temporary restraining orders, orders to show cause, and all other ex parte matters.

(2) Notice to Opposing Counsel. Unless notice is specifically excluded by statute, no ex parte order shall be presented without notice to opposing counsel. If counsel for any party has appeared either formally or informally, notice is required. If necessary, notice may be by telephone.

(3) Court File. Counsel is required to obtain the court file when presenting ex parte matters, except for agreed orders other than domestic relations decrees.

LCR 7
PEREMPTORY CHALLENGES

Unless good cause is shown, all peremptory challenges shall be exercised in open Court at the side bar by marking the

challenged juror's name on a form to be provided by the Court.

LCR 8
JURY INSTRUCTIONS

(a) Assembling and Distribution. Jury instructions shall be assembled and distributed as follows:

(1) Original to trial judge to be unnumbered without citations.

(2) One copy numbered and with supporting citations to each of the following:

- (A) Clerk for file
- (B) Judge for work copy
- (C) Counsel for each opposing party

(b) Citations. On the copy of Proposed Jury Instructions delivered to the trial court, the clerk and opposing counsel, those Washington Pattern Jury Instructions proposed shall be so identified by WPI number. If the WPI is changed or modified in any way (except for the selection of alternate WPI wording), the citation shall include the word "modified".

(c) Filing. Instructions shall be served and filed by 9:00 a.m. of the first day of trial.

LCR 9
NECESSARY PROVISIONS IN ORDERS REQUIRING PERSONAL ATTENDANCE

In all proceedings wherein an order is to be issued requiring the personal attendance of a person to be examined in open court, the order shall include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THIS TIME, DATE AND PLACE STATED WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant shall be issued in such cases for the apprehension of the cited person if such language has been omitted. This rule does not preempt or release the requirement for mandatory provisions as otherwise required by statute.

ATTORNEY FEES, TERMS AND IMPOSITION OF COSTS

(a) Attorney Fees. Counsel requesting that the court fix fees or order payment of fees in any case shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

(b) Terms and Costs.

(1) Frivolous Motions. If the Court finds a motion is frivolous, terms may be imposed against the moving party and/or the party's attorney.

(2) Continuances. The Court may impose terms against a party granted a motion for continuance.

(3) Settlement - Late Notice. The Court may assess actual costs upon failure to give prompt notice of settlement.

(4) Noncompliance With Time Limits And Filing Requirements. Terms may be assessed.

LCR 11
DOMESTIC RELATIONS

(a) Ex Parte Restraining Orders. Personal appearance of a party may be required upon the judge's request if a party requests an ex parte order be entered immediately restraining the other party from the family home.

(b) Temporary Orders. The initial show cause hearing for temporary relief shall be heard on affidavits only unless, after appropriate motion, the court allows live testimony. The following shall apply to all contested hearings in which temporary relief is sought:

(1) Responsive Affidavits. Responsive affidavits shall be served and filed no later than one business days prior to hearing pursuant to CR6(d). To ensure that pleadings are available in the court file for timely review by the court, parties are encouraged to file pleadings before noon two days prior to the hearing.

(2) Exhibits and Worksheets. Financial exhibits and support worksheets shall be filed in the form as provided by statute whenever financial matters are in issue.

(c) Child Support. The Washington State Child Support Schedule as adopted and amended from time to time by the legislature shall be applied by the Court and Counsel in all matters involving child support, temporary or permanent.

(d) Settlement Conferences. Settlement Conferences shall be mandatory in domestic relations cases with the exception of a petition to modify child support. The Court

Administrator shall set a time and date for a settlement conference at the time the matter is set for trial. The settlement conference shall be scheduled no earlier than 10 days from the notification and no later than 10 days prior to trial. The settlement conference shall be set before the judicial department of the superior court not assigned to hear the trial. The conference must be confirmed by each party before 12:00 noon the prior day to the scheduled conference.

(e) Position Statements. In all final hearings or trials in domestic relation matters, each party shall file and serve on the opposing party and the court a written domestic relations position statement, which shall include the Washington Pattern Form financial declaration (WPF 01.0550). The petitioner is required to file his/her position statement three (3) business days prior to the scheduled final hearing, trial, or settlement conference. The respondent shall file his/her position statement two (2) business days prior to the scheduled final hearing, trial, or settlement conference. In preparing the position of a party to a domestic relations matter, the assumptions and alternate residential guidelines set forth on Exhibit C to these rules should be considered.

(f) Non-contested Marriage Dissolutions - Delivery of Decree to Other Party. In default dissolution cases at the time of entry of the decree, the moving party or counsel shall immediately deliver to or mail to the other party, at their address if known, (or to their counsel), a conformed copy of the decree, with the date of filing indicated on each copy so delivered or mailed.

(g) Date of Support Payments. If, in any marriage dissolution case, support, whether temporary or permanent, is to be paid, the order or decree shall specify the day upon which said order becomes effective and the day or days certain upon which said support shall be due.

(h) Modifications of Child Support. After the affidavits and/or financial information have been provided in accordance with the state statutes on child support modification, either party may note the matter for hearing on the regular motion docket. The hearing on a petition to modify child support will be heard on the regular civil motions calendar by affidavit only with 10 minutes per side allotted for argument. If a party desires live testimony, the request shall be made by motion and allowed by the court in its discretion.

(i) Mandatory Impact on Children Seminar.

(1) Definition of Applicable Cases. This rule applies to all domestic cases including dissolutions, legal separations, major residential modifications and paternity actions in which paternity has been established, where the parties are parents of a child or children under the age of 16, or where a party is not a parent but is seeking custody, and where a parenting plan or residential plan involving more than purely financial issues is required.

(2) Impact on Children Seminars; Mandatory Attendance. Unless waived pursuant to paragraph 4 below, within 60 days after service of a petition or

initiating motion on the respondent, both parties shall participate in, and successfully complete, an approved Impact on Children Seminar. Standards for a court-approved Impact on Children Seminar are set forth in sections (7) and (8) below. Successful completion shall be evidenced by an agency certificate of attendance which shall be filed with the court. The petitioning party shall provide notice to the other party, in or with the petition, of the requirements of this rule. In the event the party complies with this rule by attending an alternate seminar not issuing a certificate of completion, that party shall file an Affidavit of Attendance setting forth at a minimum the date(s) and place of attendance, the sponsor or agency holding the seminar, and the title or description of the seminar.

(3) Permissive Application. The court may require parties with children living in the household in domestic violence actions brought under RCW 26.50, and non-parent parties in any domestic case, to attend an Impact on Children Seminar.

(4) Special Considerations/Waiver. In no case shall opposing parties be required to attend a seminar together, nor more than one seminar. Parties may use equivalent services offered by other courts, private agencies or religious organizations, upon approval by the judge in the individual case. The court may waive the seminar requirement for one or both parties in any case for good cause shown, or may approve an alternative program or seminar to enable the party affected to receive the same or similar child impact information.

(5) Fees. Each party attending a seminar shall pay a fee charged by the approved provider agency to that agency directly.

(6) Failure to Comply. Non-participation, or default, by one party does not excuse participation by the other party. A party's refusal, delay or default shall not delay the progress of the case to a final decree. Willful refusal or delay by either party may result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings, and/or refusal to entertain post-decree motions and petitions.

(7) Seminar Location/Content. A court-approved Child Impact Seminar shall be available in a designated Kittitas County meeting location, or may occur at such other sites as may be approved by the court and shall provide, at a minimum, information on:

- (A) The developmental stages of childhood;
- (B) Stress indicators in children;
- (C) Age appropriate expectations of children;
- (D) The impact of divorce on children;
- (E) The grief process;
- (F) Reducing stress for children through an amicable resolution of disputes;
- (G) The long-term impact of parental conflict on children;

- (H) Importance of child's relationships with both parents, and with extended family members, and fostering those relationships;
- (I) Communication skills for divorced parents;
- (J) Practical skills for working together;
- (K) The impact on children when step-parents and blended families enter their lives;
- (L) Parenting children with limited time (alternate residential time limits) and fair parenting (impact on child when parent abstains from discipline/showers child(ren) with gifts/"sides" with child against other parent/succumbs to guilt feelings (whether self-imposed or brought on by child(ren), etc.); and,
- (M) Involvement of extended family.

(8) Qualifications of Instructors. Child Impact Seminars should be conducted by a team of not less than two instructors, including one male and one female. Instructors should be familiar with the required provisions of parenting plans, and have the following minimum credentials and experience:

- (A) A Master's Degree in Social Work, Psychology or other related behavioral science;
- (B) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- (C) Experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
- (D) Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- (E) Substantial knowledge of the impact on children of alcohol/drug abuse by family members;
- (F) An ability to work with other agencies as part of a collaborative program; and,
- (G) Strong oral communications skills.

When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

(9) Conduct of Parties. The Court shall not consider a party's conduct, demeanor, or level of participation at the seminar in determining the provisions of a parenting plan.

(j) Mandatory Settlement Conferences. In each contested action for dissolution, declaration of invalidity or legal separation, or when ordered by the court, counsel and the parties shall participate in a settlement conference presided over by a Judge, Judge Pro Tem or Court Commissioner prior to the trial or final hearing.

(1) Excused Attendance. A party may be excused from attendance or a settlement conference may be stricken when compelling attendance would be unduly

burdensome. Request for non-attendance should be made at least 24 hours in advance to the Court and opposing counsel.

(2) Proceedings Confidential. Proceedings of said settlement conference shall, in all respects, be confidential. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may in his/her discretion, order any agreement to be placed on the record.

(3) Disqualification of Judge. A judge presiding over a settlement conference is disqualified from hearing any other matter regarding the action.

(4) Preparation Required. Prior to said conference, each party shall have submitted to the other party and to the court a completed position statement in accordance with LCR 11(e) above.

LCR 12
WITHDRAWAL OF ITEMS FROM CLERK'S OFFICE

(a) Files. No file shall be taken from the clerk's custody, except to the courtroom or to a judge, Court Commissioner, referee or official reporter unless written authority has first been obtained. All files which are in the hands of a person for the purposes of any trial or hearing must be returned to the Clerk at the close thereof. The Clerk may grant written authority to an applicant to withdraw one or more files for a period not exceeding seven days.

(b) Verbatim Report of Proceedings. Verbatim reports of proceedings shall not be withdrawn from the Clerk's office except by order of the court.

(c) Disposition of Exhibits. After final disposition of a civil cause, the court may order the clerk to dispose of physical evidence which cannot be retained in the case file provided that all parties of record are given 30 days written notice of any such hearing.

(d) Return of Administrative Records. When a case for review of an administrative record is completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court. The clerk shall treat the administrative record as an exhibit.

LCR 13
CLERK'S ACTION REQUIRED

Any pleading filed with the Clerk of Court requiring

affirmative action by the Clerk shall indicate the need for said action by placing under the caption of the pleading the notation "(Clerk's Action Required.)"

LCR 14
PENALTIES/TERMS

Willful refusal or neglect of counsel or the parties to abide by the state statutes, Washington Superior Court Rules or these local rules with respect to serving and filing motions, briefs, affidavits, response affidavits, reply briefs, position briefs, etc. can result in continuances being granted by the court on the court's own motion and the imposition of terms against both the parties and their counsel.

LCR 15
DISMISSAL OF ACTIONS

When a voluntary nonsuit is taken by a party pursuant to CR 41(a)(1)(B), any issue as to whether dismissal is with or without prejudice or whether a party is entitled to an award of costs shall be determined by hearing after proper notice. Any order of dismissal presented ex parte based on a CR 41(a)(1)(B) motion and affidavit may be entered but shall be subject to such a hearing.

LCR 16
MOTION FOR NEW TRIAL, RECONSIDERATION, AND AMENDMENTS OF
JUDGMENTS

A motion for new trial, reconsideration, or amendment/alteration of judgment shall be submitted on briefs and affidavits of the moving party only, without response or oral argument to the trial judge by the opposing party. The trial judge shall, within 10 days of the filing of the motion, either deny the motion or advise both counsel of desired further proceedings pursuant to CR 59 and this rule. A motion under this rule shall be filed with the Clerk and a working copy shall be served on the trial judge at the Superior Court office at the time of the filing of the motion. A copy shall also be served on opposing counsel.

APPLICABILITY OF LOCAL CIVIL RULES

The local civil rules shall apply in all criminal proceedings when not inconsistent with these rules, the Superior Court Criminal Rules or applicable statutes. Local civil rules particularly applicable to criminal cases include but are not limited to the following:

GLR3	Court Hours
GLR4	Hearing of Motions
LCR 3	Briefs
LCR 4	Change of Judge
LCR 5	Notices to Court of Calendar and Jury Trial Changes
LCR 6	Hearing of Motions
LCR 7	Peremptory Challenges
LCR 8	Jury Instructions
LCR 10	Counsel Fees
LCR 12	Withdrawal of Items from Clerk's Office
LCR 13	Clerk's Action Required
LCR 14	Penalties/Terms

LCrR 2 MANDATORY APPEARANCES

Each criminal defendant shall be required to attend all scheduled pretrial hearings, including the omnibus hearing, the pre-trial hearing and the status conference, unless excused by the court.

LCrR 3 STATUS CONFERENCE

Every criminal case shall be set for a status conference prior to trial to determine whether a scheduled case is still on track for trial.

LCrR 4 MOTIONS IN LIMINE

Motions in limine shall be filed and served at or before the date set for the status conference. Motions in limine requiring extensive argument or testimony shall be heard on the date set for the pre-trial hearing or by leave of the court through the court administrator.

LCrR 5
SENTENCING

At sentencing, counsel should present all available and appropriate information regarding restitution. The determination of a restitution amount may be delayed pending the receipt of necessary information.

Unless otherwise ordered by the Judge, the monies paid into the registry of the Court shall be distributed in the following priority order:

- (1) Restitution.
- (2) Attorney Fees.
- (3) Court Costs.
- (4) Payments to Kittitas County funds.
- (5) Victim of crime compensation fund.
- (6) Fine.

LGALR 1
GUARDIAN AD LITEMS FOR GUARDIANSHIP PROCEEDINGS

(a) Registry. The court shall maintain and administer a registry entitled "Guardian ad Litem Registry." Such registry shall contain the written statement of each applicant as to the qualifications required in RCW 11.88.090(3)(b), as well as their certificate of completion of training requirements as provided herein or as established by another county or the Model Guardian ad Litem Advisory Group. Persons listed on the registry shall update their background information annually. Persons shall be selected to serve on the registry at the discretion of the court giving due consideration to having a sufficient number of GAL's available to fulfill the requests for appointment, achieving and maintaining diversity, and retaining panels of persons with substantial experience and special knowledge within given fields.

(b) Education and Experience Requirements.

(1) Attorneys. Member of the Washington State Bar Association in good standing; and for initial placement on the registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

(2) Non-Attorneys. Eligibility as determined by the court; and, for initial placement on the registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

(3) Certification of Completion. Upon completion of

the requirements identified in paragraph 1 above, an application desiring to serve as a Guardian ad Litem in Kittitas County Superior Court shall certify to the Kittitas County Clerk the completion of such requirement using Exhibit E.

(c) Application. Each person requesting to be listed on the Guardian Ad Litem Registry (or registries) shall annually submit an application on the current form provided by the court, which shall include the following:

- (1) The name, business address, and telephone number of the applicant.
- (2) The level of formal education of the applicant and, if the applicant is an attorney, the year admitted to practice in Washington State and any other States in which the attorney is licensed to practice.
- (3) A listing of training relating the GAL's duties.
- (4) The number of years experience as a GAL.
- (5) The number of appointments as a GAL and the County or Counties of appointment.
- (6) The applicant's criminal history as defined by RCW 9.94A.030.
- (7) Evidence of the person's knowledge, training, and experience.
- (8) A statement describing the nature, status, and outcome of any complaints, investigations, disciplinary actions, lawsuits, or liability claims lodged against the GAL related to the persons duties as a GAL and any orders for removal of the GAL entered prior to the completion of the GAL's duties for any reason other than a conflict of interest where the GAL had no prior knowledge that the conflict existed.
- (9) A description of the fees charged by the applicant (hourly rate and any required retainer) and a statement of the applicant's willingness to accept cases on a reduced fee basis.
- (10) Agreement to advise the court immediately in the event of any complaint, investigation, or action being commenced related to the applicants duties as a GAL in the instant or any other case which could lead to discipline of the applicant and/or the suspension or revocation of the applicant's professional license(s).
- (11) Agreement to advise the court immediately upon the filing of criminal charges for a felony or a crime involving allegations of theft, dishonesty, or moral turpitude.

(d) Appointment of a Guardian ad Litem from Registry. A party needing an appointment from a GAL registry shall serve a written request to the Court Administrator, who shall appoint as GAL that person whose name next appears on the registry on a rotational basis, subject to that person's acceptance of the appointment. The person appointed by the Court Administrator shall serve upon the parties a notice of appointment.

(e) Retention on Registry. Persons on the registry shall promptly inform the court of any temporary unavailability to serve, or of their intent to resign from the registry. A person shall remain on the registry unless the person fails to maintain a current application with attachments or the person is removed or suspended. A person may be denied listing on, or may be temporarily suspended from, the registry for any reason that places the suitability of the person to act as GAL in question. A GAL who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Court Administrator, who shall reassign such cases. A person's retention on the registry shall be reviewed upon the court's receipt of a complaint regarding performance in office or the court's receipt of adverse information regarding the suitability of a person to serve as a GAL. Complaints shall be reviewed in accordance with LGALR 24.

(f) Grievance Procedure.

(1) Submission of Complaints. All complaints must be in writing and must be submitted to the Superior Court Presiding Judge. All complaints must bear the signature, name, and address of the person filing the complaint.

(2) Review of Complaint. Upon receipt of a written complaint, the Presiding Judge shall review the complaint or in the case of a conflict, refer the complaint to another judge of the Superior Court.

(3) Findings and Action on Complaint. The reviewing judge shall either:

(a) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the judge shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony;

(b) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or,

(c) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person against whom the complaint is brought within 10 business days, detailing the specific issues in the complaint to which the reviewing judge desires a response. The reviewing judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the reviewing judge shall consider whether the complaint alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony

before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer ex parte concerning a case for which he or she is serving as a guardian ad litem, (vii) violated state or local laws or court rules, or (viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(4) Response and Findings on Complaint. Upon receipt of a written response to a complaint, the reviewing judge may schedule a hearing, request additional materials, or enter a decision based upon a review of the record alone. The reviewing judge shall make a finding as to each of the specific issues in the complaint to which the reviewing judge desired a response as delineated in the judge's letter to the person against whom the complaint is brought. Such finding shall state that either there is not merit to the issue based upon the response or that there is merit to the issue.

(5) Forms of Discipline. The reviewing judge shall have authority to written a sritten admonition or a written reprimand, refer the guardian ad litem to additional training, or suspend or remove the guardian ad litem from the registry. In considering an appropriate form of discipline, the judge shall take into consideration any prior complaints that resulted in an admonition, reprimand, referral to training, or suspension or removal from the registry. If the guardian ad litem against whom the discipline is directed is listed on more than one registry, the suspension or removal may apply to each registry on which the guardian ad litem is listed, at the direction of the reviewing judge.

(6) Notice of Decision. The complainant and the person against whom the complaint is brought shall be notified in writing of the reviewing judge's decision following the receipt of the response to the complaint.

(7) Confidentiality. A complaint shall be deemed confidential for all purposes unless the judge reviewing the complaint has determined that the complaint has merit. Any record of complaints filed which are not deemed by the judge to have merit shall be confidential, and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint was brought has been given notice and an opportunity to be heard.

(8) Processing Standards. Complaints shall be resolved within 25 days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within 60 days of the date of receipt of the written complaint if the complaint is filed after the conclusion of a case.

(9) Removal from Registry. When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the court administrator shall send a notice of such removal to the Administrative Office of the Courts. When the court administrator receives notice from the

Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington Superior Court, the court administrator shall advise the presiding judge of such removal.

SHALL BE EFFECTIVE ON _____

SO ORDERED this _____ day of _____, 2004.

Presiding Judge for Kittitas County

EXHIBIT A NOTE FOR TRIAL SETTING

The contents of this item are only available [on-line](#).

EXHIBIT B NOTE FOR MOTION DOCKET

The contents of this item are only available [on-line](#).

EXHIBIT C GUIDELINES FOR DOMESTIC RELATIONS CASES

The contents of this item are only available [on-line](#).

EXHIBIT D PLAINTIFF'S PROPOSED/DEFENDANT'S PROPOSED/AGREED SCHEDULING ORDER (CIVIL)

The contents of this item are only available [on-line](#).

EXHIBIT E GUARDIAN AD LITEM STATEMENT OF QUALIFICATIONS

The contents of this item are only available [on-line](#).
